5. Against this background, the Secretary-General set out the challenges facing the international community in its response. He noted that from the Indian Ocean tsunami to the crises in Darfur and the eastern Democratic Republic of the Congo, recent months had shown the ever-growing range and scale of demands being placed on the international humanitarian response system. With leadership and coordination from the United Nations, the system that comprised the humanitarian community of agencies and non-governmental organizations had been performing reasonably well, under the circumstances. There was less overlap between agencies and a more effective coordination between non-governmental and intergovernmental actors on the ground. He noted that the system had been able to provide massive relief to all tsunami-affected communities in the Indian Ocean in the course of a few weeks. Yet at the same time, assistance to displaced people in Darfur was falling well short of what had been pledged, while major crises remained significantly underfunded.

6. To achieve more predictable humanitarian responses in all emergencies, the Secretary-General recommended three points for rapid progress. First, the humanitarian system needed to have a more predictable response capacity in areas where there too often were gaps, ranging from the provision of water and sanitation to shelter and camp management. When crises were already under way there was a need to operate quickly and flexibly. This was particularly the case in complex emergencies, during which humanitarian requirements were linked to the dynamics of conflict and circumstances could change rapidly. In general, it was the relevant United Nations country team, led by the humanitarian coordinator, which was best placed to identify the opportunities and constraints. There remained a clear need to strengthen field coordination structures, notably by better preparing and equipping United Nations country teams, strengthening the leadership of the humanitarian coordinator and ensuring that sufficient and flexible resources were immediately available to support these field structures.

7. Second, predictable funding was required to meet the needs of vulnerable communities, building on the humanitarian community's work with the donor community and more systematically engaging with new donor Governments and the private sector. Ensuring consistent and timely responses to crises required both that pledges be rapidly converted into tangible resources and that more predictable and flexible funding be made available for humanitarian operations, particularly in the initial emergency phases.

8. Third, predictable rights of access and guaranteed security were required for United Nations humanitarian workers and operations in the field.

9. The Secretary-General observed that special attention was due to the growing problem of internally displaced persons (IDPs). Unlike refugees, who had crossed an international border, those displaced within their own countries by violence and war were not protected by established minimum standards. Yet this acutely vulnerable group of some 25 million persons was twice as large as the estimated number of refugees. He thus urged Member States to accept the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) prepared by his Representative on internally displaced persons as the basic international norm for the protection of such persons, and to commit themselves to promote the adoption of the Principles through national legislation. He noted that unlike refugees, who were looked after by UNHCR, internally displaced persons and their needs often fell between different humanitarian mandates. Recent steps had been taken to ensure that agencies

provided assistance to such groups within their respective areas of competence, on a collaborative basis, though further efforts were needed.

10. This analysis sets out a comprehensive framework for understanding the scope and interlinkage of issues giving rise to mass exoduses and the human rights violations that occur in their wake. It also provides a clear set of recommendations for future action by the international community, including the United Nations system and civil society groups involved in humanitarian issues.

11. The assessments of UNHCR bear out the Secretary-General's concerns. The total number of persons of concern to UNHCR at the end of 2004 amounted to 19.2 million persons, consisting of 9.2 million refugees, 840,000 asylum-seekers, 1.5 million returned refugees, 5.4 million IDPs, 148,000 returned IDPs and 2 million various others of concern. The significant increase compared to the numbers at the beginning of the year reflects primarily two specific categories. Firstly, a new estimate of the number of internally displaced persons in Colombia raised the previous calculation of the number of persons of concern by over 430,000. Secondly, several new groups of stateless persons who had not previously been brought to the attention of the Office's statistical reporting unit were included in the final report on 2004. These total figures also reflect new influxes as well as repatriations.

12. In terms of repatriation, according to UNHCR, during the 18 months to mid-2005 significant numbers of refugees were able to return to their countries of origin, in particular to Afghanistan and several African countries. More specifically, in line with repatriation movements during earlier years, the largest number of refugees returned to Afghanistan from the Islamic Republic of Iran (515,000) and from Pakistan (424,500). Large-scale refugee returns also took place to Iraq (194,000), mainly from the Islamic Republic of Iran. Some 90,000 refugees returned to Burundi, mainly from the United Republic of Tanzania, and over 80,000 Angolans returned from Zambia (46,500) and the Democratic Republic of the Congo (34,000). Other significant voluntary movements concerned refugees returning to Liberia (56,900), Sierra Leone (26,300), Somalia (18,100), Rwanda (14,100), the Democratic Republic of the Congo (13,800) and Sri Lanka (10,000).

13. Despite these developments, continuing conflict and human rights abuses around the world have prompted new or renewed flight in other areas. According to UNHCR, during 2004, more than 232,000 refugees fled their country as part of a number of mass outflows which, in some cases, created new large-scale emergencies. For example, the Janjaweed militia attacks on civilian populations in the Darfur region of the Sudan caused thousands of people to take refuge in Chad and many thousands more to become internally displaced. Eleven asylum countries reported the arrival of more than 1,000 prima facie refugees. The main refugee outflows concerned Sudanese refugees fleeing to Chad (130,000), Uganda (14,000) and Kenya (2,300). New outflows of refugees from the Democratic Republic of the Congo were also reported into Burundi (20,700), Rwanda (11,300), Zambia (4,300) and Uganda (1,600). There were significant new movements of refugees from Somalia into Yemen (16,600) and into Kenya (2,400), from Iraq into the Syrian Arab Republic (12,000) and from Côte d'Ivoire into Liberia (5,500).

14. In line with the mainstreaming of the six goals and related objectives of the Agenda for Protection, UNHCR protection activities have focused on strengthening the implementation of the 1951 Convention and the 1967 Protocol relating to the

Status of Refugees, protecting refugees within broader migration movements, sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees, addressing security-related concerns more effectively, redoubling the search for durable solutions and meeting the protection needs of refugee women and children.

15. In 2004, the challenges of ensuring access to protection, making major voluntary repatriation movements sustainable and promoting the resolution of protracted refugee situations persisted. Minimum survival needs of refugees were not always met, nor were refugees necessarily safe in countries of asylum, as demonstrated by the August 2004 attack on Gatumba transit centre in Burundi, in which 152 Congolese refugees were killed and more than 100 injured. Such human rights challenges to persons of concern were addressed when UNHCR relocated camps away from volatile border situations, as was the case with Colombian refugees in Panama and Sudanese refugees in Chad. In other situations, UNHCR was in a position to negotiate a "security package" with authorities in order to stabilize the area, as occurred in Sierra Leone.

16. Partnerships are essential for UNHCR to effectively conduct its mandate. In this context it should be mentioned that collaboration with the Department of Peacekeeping Operations of the Secretariat was strengthened, especially in areas where the Department had a clear mandate to protect refugees, such as in Liberia or Burundi. Moreover, the Convention Plus initiative has continued to engage with States and other partners of UNHCR to build stronger commitments to resolve refugee situations through enhanced responsibility and burden-sharing.

III. Monitoring the human rights of persons in mass exodus

17. The four previous reports to the General Assembly on human rights and mass exoduses (A/52/494, A/54/360, A/56/334 and A/58/186) demonstrated the profound connection between human rights and mass exodus and forced displacement. Human rights violations are most often the root as well as immediate cause of mass exodus. Displaced people are also a category of most vulnerable persons and are often in urgent need of protection and assistance. The protection of uprooted people is often problematic, as mass exoduses normally occur in situations of crisis and conflict when national authorities are either unable or unwilling to discharge their responsibility to protect their populations, even at the most basic level.

18. Human rights are also a central element when conditions in the place of origin change and voluntary return and reintegration become a realistic option for the displaced. Assessing the human rights situation in the place of origin is crucial in assisting the displaced to make an informed choice to return home voluntarily. Once the displaced have returned, it is essential that the human rights situation be closely monitored and not be allowed to deteriorate, as that would jeopardize the sustainability of return. Effective and efficient national human rights protection mechanisms are required for this task. For some people, return will never be a realistic option, as it is unlikely that their rights can be protected in their places of origin, and other durable solutions, such as resettlement to other areas or local integration in areas of displacement, have to be identified.

19. At each of these stages, persons in mass exodus have specific human rights entitlements under international law, arising from a variety of sources. In a State where exodus and displacement are taking place, all persons within the jurisdiction of that State are entitled to protection under the international human rights obligations applicable to that State, whether expressed through the international human rights treaties adhered to by the State or through the generally binding norms imposed by customary international law. For the most part, it matters little whether the persons in or affected by mass exodus are citizens of that State, for with the exception of a few rights such as the political rights to vote and take part in public affairs, human rights extend to everyone. If persons in exodus cross an international boundary and become subject to the jurisdiction of another State, the human rights obligations of that State come into play. Additionally, other international instruments such as the Convention and Protocol relating to the Status of Refugees may at that point be applicable.

20. Monitoring of the practical enjoyment of human rights becomes extremely important in the context of mass exoduses. Often, the national mechanisms of the State concerned are unable to discharge their primary responsibility for monitoring. As a result, the United Nations agencies with a protection mandate assume that role. In recent years and in a variety of circumstances, OHCHR has deployed monitors and facilitators to assess the enjoyment of human rights by persons, inter alia in situations of mass exodus or displacement; activities of human rights components of missions of the Department of Peacekeeping Operations, as well as of UNHCR and the United Nations Children's Fund (UNICEF) have also been crucial.

21. At the international level, the human rights treaty bodies and the special procedures of the Commission on Human Rights play equally important roles in monitoring and assessing the human rights dimensions of situations of mass exodus in States where such movements take place or which are affected by such movements. In this respect, briefings to human rights treaty bodies by, in particular, UNHCR and UNICEF have been key in raising human rights issues affecting persons in mass exodus, sensitizing the treaty bodies to the particular needs of such persons and providing an actual basis for constructive dialogue with States parties to the respective treaties on such situations. Likewise, the special procedures' missions and subsequent reporting bring an independent assessment of the situation to various forums within the United Nations. Alongside the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, whose thematic mandates consistently implicate victims of mass exodus, and other special procedures, both thematic and country-oriented, have often raised issues of the human rights of victims of mass exoduses in their work.

22. The well-established cooperation between UNHCR and the various parts of the United Nations human rights machinery is firmly embedded in an understanding of the multifaceted linkages between refugee issues and human rights and the perception that the refugee experience, at every stage, is affected by the degree of respect by States for human rights and fundamental freedom. Increasingly, assisted by important contributions from the United Nations system, human rights treaty bodies have included in their concluding comments or observations issues of concern regarding the human rights of persons in situations of mass exodus and displacement, and have made recommendations to the States parties in question for

bringing violations of human rights to an end, providing appropriate remedies and constructing an enabling institutional environment to ensure that such violations will not recur.

23. Human rights treaty bodies have also advanced their understanding of the situation of persons in mass exodus and displacement as being one of particular vulnerability, with corresponding needs and sensitivities that may often differ from those of other rights holders. At the same time, human rights treaty bodies have worked to have persons in mass exodus recognized within the overall framework of the rights established in the treaties. Following a thematic debate on the issue, to which United Nations agencies including UNHCR contributed, the Committee on the Elimination of Racial Discrimination (CERD) adopted general comment No. 30 (2004) on the rights of non-citizens. The general comment recalled the Durban Declaration in which the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance recognized that xenophobia against, inter alia, migrants, refugees and asylum-seekers constituted one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.

24. The Human Rights Committee, for its part, adopted general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties. The Committee stressed that the enjoyment of Covenant rights is not limited to citizens of States parties but must also be available to all individuals, regardless of nationality or whether they are stateless, such as asylum-seekers, refugees, migrant workers and other persons who may find themselves in the territory or subject to the jurisdiction of the State party. It observed that this principle also applies to those within the power or effective control of the forces of a State party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained, such as forces constituting a national contingent of a State party assigned to an international peacekeeping or peace-enforcement operation. UNHCR has closely followed the work of the treaty bodies on general comments and recommendations and acknowledges the value of these two general comments in particular as important legal tools for supporting the international protection efforts of UNHCR.

25. During the reporting period, UNHCR and UNICEF shared their observations in relation to the preparation of a general comment on the administration of justice under consideration by the Committee on the Rights of the Child, raising issues of particular importance to child victims of mass exodus. Both agencies also closely cooperated with the same Committee in the preparation of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside of their country of origin, which will be of value in addressing the plight of such children, including those who are refugees. With such analytical frameworks and the contributions of other parts of the United Nations system, the human rights treaty bodies are well placed to enhance their ability to monitor and ensure the protection of persons in mass exodus and displacement.

26. The Representative of the Secretary-General on the human rights of internally displaced persons, as part of his mandate as a special procedure of the Commission on Human Rights, monitors the protection of internally displaced persons, specifically their human rights. He is called to cooperate and coordinate closely with

the rest of the United Nations system, in particular its human rights and humanitarian components. OHCHR, OCHA, UNHCR and UNICEF have provided input and logistical support during his missions and have subsequently helped monitor implementation of his recommendations.

27. National human rights institutions also play an important role in promoting national responsibility and reinforcing protection of the rights of persons in mass exodus. Activities for the protection of human rights which such institutions can engage in include drawing attention to the human rights dimension of a crisis, monitoring protection concerns, investigating complaints, examining issues of return and property restitution, and highlighting the need for responses to be in conformity with human rights obligations. Given the regional repercussions of many situations of mass exodus and displacement, regional bodies also have an important role to play in protecting the human rights of persons caught up in such situations. The respective capacities and competencies of all such bodies must be integrated into a comprehensive response to a situation of mass exodus in order that prompt and complete relief may be provided.

IV. Human rights and mass exoduses: early warning mechanisms

28. Human rights are also at the core of efforts to avert new flows of refugees and other displaced persons. If history has proven, time and again, that mass exoduses are caused by violations of human rights, it is only natural to seek to address a deteriorating human rights situation early on to prevent the displacement of people. Specifically, experience has taught that situations of ingrained or systemic ethnic or racial discrimination have often been the precursor of armed conflict, even taking on a genocidal character, which gives rise to mass exoduses of refugees and displaced persons. Early warning mechanisms that can aid in identifying these situations in advance are therefore vitally important in order to enable the appropriate measures to be taken.

29. In July 2004, the Secretary-General appointed Juan Méndez as his Special Adviser on the Prevention of Genocide, who will report through him to the Security Council and the General Assembly, as well as to the Commission on Human Rights, thus strengthening the early warning capacity of the United Nations both for situations presenting a risk of genocide and the mass displacement of persons accompanying such situations.

30. Among the human rights treaty monitoring bodies, CERD has taken the lead in developing early warning measures enabling it to flag for wider attention situations where ethnic or racial discrimination is of such seriousness as to give rise to particularly grave concern and a need for preventive measures. The Committee, acting under its early warning and urgent action procedures, has brought to the attention of the Security Council, through the Secretary-General, a number of country situations where systematic violations of human rights and persistent patterns of racial discrimination could escalate into violent conflict and genocide.

V. Human rights of internally displaced persons

31. The internally displaced constitute a specific category of people affected by mass exodus. It is estimated that today approximately 25 million people in 52 countries are internally displaced owing to conflict alone. From 1992 to 2004, following a request by the Commission on Human Rights in its resolution 1992/73, Francis Deng was appointed Representative of the Secretary-General on internally displaced persons. In his final report (E/CN.4/2004/77), the Representative drew on over a decade of experience to set out what he saw as the future challenges for the mandate. He detailed six "pillars" or areas of work developed with guidance from resolutions of the Commission and the General Assembly.

32. In 2004, the Special Representative concluded that the international community had come a long way in responding to the global crisis of internal displacement, from initially shying away from the issue as too sensitive on the grounds of national sovereignty, to developing normative and institutional responses, to engaging constructively on the principles and strategies for protecting and assisting internally displaced persons, and now to facing the challenge of making these achievements more effective and comprehensive. A consensus emerging in the international community indicated a readiness to increase efforts to make a collaborative approach work that would ensure better protection and assistance to internally displaced persons worldwide. The Representative underscored that this required a strong commitment from all sides. The United Nations would need to demonstrate its capacity to improve the operational response, which, in turn, would depend on adequate financial support from donor countries as well as the political backing of all States. At the same time, it was important to continue to be aware of institutional weaknesses, and to be ready to address them and re-evaluate current approaches, should they prove ineffective.

33. In 2004, the Commission on Human Rights, in its resolution 2004/55, reoriented the mandate, giving it an explicit human rights focus. The Commission requested the Secretary-General, in effectively building upon the work of his Representative, to establish a mechanism that would address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system. It further recommended that this mechanism should work towards strengthening the international response to the complex problem of situations of internal displacement, and engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing dialogues with Governments, as well as non-governmental organizations and other relevant actors. As a result, in September 2004, Walter Kälin was appointed Representative of the Secretary-General on the human rights of internally displaced persons.

34. Based upon the foundation established by his predecessor, the Representative has continued to engage in dialogue with States, having conducted official missions to Nepal, Croatia, Bosnia and Herzegovina and Serbia and Montenegro, as well as working visits to Sri Lanka, Thailand and Turkey. Country missions continue to be a particularly important aspect of the mandate, as they provide a means of assessing the extent to which the protection, assistance and development needs of the internally displaced are being met in specific situations. The missions also offer the

opportunity to engage in solution-oriented dialogue with the Governments and international and non-governmental organizations concerned.

35. The Representative has also been instrumental in making further progress in the ongoing study of the problem of internal displacement. The agenda for research and many other activities, such as national and regional workshops, are undertaken mainly by the Representative with the support of the joint Project on Internal Displacement of the Brookings Institution and the University of Berne. With both the overall dynamics and general structural issues of the global crisis of internal displacement having now been more fully studied, the research agenda of the mandate has focused on specific issues and policy recommendations, including strengthening the capacity of national actors to respond to internal displacement issues. In September 2005, the Project on Internal Displacement, in conjunction with the International Institute of Humanitarian Law, sponsored an inaugural course entitled "The law of internal displacement" in San Remo, Italy, for policymakers and practitioners from around the world. The Project has also begun a process of drafting a guide for legislators on how effect may best be given to the Guiding Principles on Internal Displacement.

36. Within the United Nations system, the Representative has engaged in sustained advocacy for recognizing the human rights aspects of particular situations of displacement, as well as strengthening the institutional capacity to respond to the human rights issues raised by displacement. In particular, the Representative has participated in the meetings of the Inter-Agency Standing Committee (IASC). He has also met with senior officials of OHCHR, OCHA, the United Nations Development Programme, UNICEF, the Department of Political Affairs and the Department of Peacekeeping Operations, among others, in order to sensitize these counterparts to the Representative's mandate and to explore areas of future collaboration.

37. In an effort to facilitate a more effective international response to the protection and assistance needs of internally displaced persons, in July 2004 the Emergency Relief Coordinator established the Inter-Agency Internal Displacement Division within OCHA. Building on the work of its predecessor, the Internal Displacement Unit, the Division's primary purpose is to support national Governments, the Emergency Relief Coordinator, humanitarian and resident coordinators and United Nations agencies and other humanitarian and development actors in ensuring an effective, predictable and concerted response to crises of internal displacement. The Division has also been requested by the Coordinator to provide targeted support to specific country situations where the "collaborative response" to crises of internal displacement is not seen to be working well and where there are significant gaps in the response that need to be addressed.

38. An important element of the Division's work is promoting the implementation of the IASC Policy Package on the Implementation of the Collaborative Response to Situations of Internal Displacement that was endorsed in September 2004. Its purpose is to provide humanitarian coordinators and United Nations country teams with the guidance and tools required to implement the collaborative response in a more effective, transparent and comprehensive manner. The Policy Package is composed of a guidance note that outlines the roles and responsibilities of different headquarters and field-based actors in responding to internal displacement and includes a procedural road map on the process of implementing the response. The

package also contains several annexes, notably a strategy checklist that provides guidance on how to formulate a displacement-specific action plan and on the different components to be reflected within the plan; an activities list that outlines the activities that different United Nations and non-United Nations actors might be able to undertake during a given phase of the displacement crisis; additional guidance on the nature and meaning of protection for internally displaced persons; and, finally, an overview of the support available to United Nations country teams from the Division, the Norwegian Refugee Council/Global IDP Project and the Representative of the Secretary-General.

39. Following its endorsement, the Emergency Relief Coordinator sent the Policy Package to all humanitarian coordinators requesting that they convene a meeting of the country team to discuss the Policy Package and its implementation in their particular country. The Coordinator also shared the Policy Package with the IASC Principals and requested that they disseminate it within their respective organizations, both at headquarters and among their field staff. Agencies were also encouraged to ensure that key aspects of the Policy Package are incorporated into relevant policy documents, training materials and activities of their organizations. The Division has also begun a series of regional workshops on the Policy Package for OCHA heads of field office with a view to supporting humanitarian coordinators with its implementation. The Division will also directly promote and facilitate the implementation of the Policy Package at the field level, in particular with regard to its priority countries.

40. The Division has provided technical support to a number of countries, with a particular emphasis on coordination, protection and return issues. It has supported the integration of issues affecting the internally displaced into response action plans, protection strategies and return frameworks in Burundi, Liberia, the Sudan and Uganda. In Somalia, the Division promoted the development of an action plan for the assessment and profiling of the caseload of internally displaced persons in Somaliland. In the Democratic Republic of the Congo, support was provided to an assessment of protection issues and in outlining a return and reintegration strategy. Advisers on internally displaced persons were deployed to Côte d'Ivoire, Liberia, Uganda and the Sudan to provide strategic advice to United Nations humanitarian coordinators and country teams.

41. However, it continues to be the case that there is no single organization within the United Nations system responsible for providing protection and assistance to internally displaced persons. To date, the so-called collaborative approach has been the preferred and only option of the United Nations. Nevertheless, efforts have been undertaken to strengthen the accountability of the system at the operational level, with the designation of lead agencies accountable for various sectors at a country level in any given situation of displacement to the humanitarian coordinator. The Representative has been particularly engaged in the discussions within the framework of IASC concerning the designation of an agency with a sectoral responsibility for the protection of displaced persons. Since June 2005, UNHCR has been engaged in the IASC process of closing sectoral capacity gaps in humanitarian response, with particular focus on internally displaced persons. UNHCR has also been revisiting its procedures and guidelines for involvement in IDP situations in order to respond to the needs of IDPs more effectively and predictably.

VI. Mass exoduses caused by natural disasters

42. The tsunamis of 26 December 2004 left in their wake more than 300,000 people killed, 500,000 injured and more than 1 million internally displaced across South and South-East Asia. Some countries hit by the tsunamis experienced the problem of internal displacement for the first time, while in others, the tsunamis struck areas of ongoing armed conflict and internal displacement, exacerbating pre-existing humanitarian crises and forcing many persons previously displaced by violence to flee once again, further compounding their plight. The tsunamis confronted the international community, including the United Nations and civil society in the humanitarian field, with a disaster of unprecedented proportions and inflicted within a very short period of time, which — in addition to the immense loss of life — caused displacement of people on an enormous scale. In the months after the disaster, human rights concerns emerged as primary issues requiring reflection and consideration in terms of the response to the disaster, as well as the steps necessary to avoid its repetition.

43. In the immediate aftermath of the disaster, efforts focused on search and rescue, bringing clean water, food, clothing, medical care and shelter to survivors, and identifying and burying the vast number of dead. At the same time, important human rights protection issues also arose, including access to assistance, discrimination in the provision of aid, enforced relocation, sexual and gender-based violence, recruitment of children into fighting forces, loss of documentation, safe and voluntary return or resettlement, and issues of property restitution.

44. These concerns underscored that it is as important in the context of natural disasters as it is in situations of displacement caused by conflict to examine and address displacement using a human rights-based approach, for persons forced to leave their homes share many common types of vulnerability, regardless of the underlying reasons for their displacement. Such an approach is essential for a comprehensive and effective humanitarian response, and includes the application of international human rights norms and standards, in particular the right to participation, the right to a livelihood (covering, among other things, food, health and housing), and non-discrimination (against, among others, minorities, marginalized people, women and children).

45. Natural disasters present particular challenges for the fulfilment of national responsibility as regards protection in the context of displacement. Earthquakes, floods, tornadoes, tsunamis and other natural disasters are beyond the capacity of any State to prevent. However, States can and should seek to mitigate the damage from such phenomena, including by putting in place effective early warning systems. Indeed, as affirmed in the Hyogo Declaration adopted at the World Conference on Disaster Reduction held in Kobe, Japan, in January 2005, "States have the primary responsibility to protect the people and property on their territory from hazards and ... to give high priority to disaster risk reduction in national policy, consistent with their capacities and the resources available to them." Disaster risk reduction is not just a matter of good governance, but an issue of the fundamental rights of the populations at risk. As the Special Rapporteur on housing as a component of the right to an adequate standard of living has pointed out, the right to "habitable" housing implies that adequate provisions must be made in housing codes and then properly enforced to ensure that residences are prepared, to the extent possible, to withstand the effects of earthquake. Moreover, national law should

empower affected individuals to assert these rights, for example, through mechanisms to claim compensation where public officials have failed to take reasonable measures to protect populations and prevent displacement due to disasters.

46. Even when every reasonable precaution has been taken, not all displacement caused by natural disasters can be prevented. When they do occur, displaced persons have the right to request and to receive protection and assistance from national authorities, who, in turn, have the primary duty and responsibility to protect and assist populations within their jurisdiction in line with the Guiding Principles on Internal Displacement. Following a natural disaster, discrimination may arise in the distribution of humanitarian and reintegration assistance as well as in other aspects of the response, such as in decisions regarding relocation and resettlement. This risk is especially high when the affected areas have pre-existing patterns of discrimination or ethnic conflict. Assistance and other interventions in response to natural disasters must be undertaken in accordance with the principles of impartiality and neutrality, without discrimination on the basis of race, ethnicity, religion or caste. There is also a need to safeguard against discrimination between different groups of displaced persons, for instance, where assistance is provided to persons uprooted by a natural disaster but not to those displaced by conflict, or is provided only to displaced persons in camps or Government-run relocation centres while it is denied to those staying with host families who also are in need. Such inequities in aid distribution not only violate the principles of impartiality and non-discrimination, but also may create resentment and tensions between communities, which can complicate the rehabilitation and reintegration of displaced persons and threaten their security. Instead, opportunities should be seized to counter pre-existing patterns of discrimination by ensuring an inclusive response, and thereby promote national reconciliation.

47. Persons displaced from their homes by a natural phenomenon may find their movements subject to restrictions. Frequently, authorities direct such persons into temporary shelters or camps to house them, to facilitate the delivery of humanitarian assistance, and to ensure their security. Sometimes, however, this is done against the will of those affected, who may prefer to stay close to their homes to discourage looting, maintain their sources of employment, seek lost relatives, or simply find shelter and support elsewhere. States have a legitimate interest in devising expeditious ways of assisting and protecting victims; this interest must, however, be weighed against the affected persons' rights to personal liberty and to move freely within their own country, including the right to move freely in and out of camps and settlements.

48. Displaced women and children face a range of particular risks, and their needs require special attention. For example, they are more vulnerable to sexual and gender-based violence, especially in camps, where the risks also include increased levels of domestic violence and child abuse. When food is not delivered directly to women and when they are excluded from camp management and the design of relief and reintegration plans, their vulnerability to sexual exploitation and abuse increases dramatically. Trafficking is a further serious risk that is heightened when people are displaced, families separated, children are orphaned and livelihoods are destroyed.

49. The family is the most basic unit of protection and a cornerstone of psychosocial support, particularly for children and the elderly. Family members who are separated by displacement therefore should be reunited as quickly as possible, with expedited measures taken whenever children are involved. Children and elderly persons who are separated from family members need to be registered so that tracing and reunification can be accomplished as soon as possible. In the interim, they need to be sheltered and cared for as well as protected against risks, including trafficking and military recruitment, particularly of the children. Further to the principle that all decisions concerning children should be guided by their best interests, when family reunification is not possible, even with an extended family member, foster care or other arrangements will need to be made to ensure the safety and well-being of children in the long term. Moreover, in the event of any relocation of displaced persons, families have the right to remain together.

VII. Conclusions

50. **The Secretary-General's reform proposals have highlighted the interdependence of human rights, poverty and development. To be fully understood, the phenomena of mass exodus and displacement must also be viewed within this framework. Recent examples of mass exodus, both as a result of armed conflict and as a consequence of massive natural disasters, have highlighted the need to address comprehensively the human rights of victims of mass exodus. Such persons have the right to protection from displacement, protection during displacement and protection after displacement. In addition, human rights issues are often at the core of the conflicts or other acts that give rise to mass exoduses. In this respect, patterns of discrimination and disadvantage, if unchecked, have the potential to develop into levels of violence that may reach genocidal proportions.**

51. **Over the last two years, substantial progress has been made in addressing these issues. The human rights treaty bodies and the special procedures of the Commission on Human Rights, linking closely with those parts of the United Nations system with humanitarian mandates, have worked to broaden their early warning mechanisms in order to identify patterns of disadvantage at an early stage when preventive remedial action is still possible. Within the United Nations system, the creation of an Internal Displacement Division in OCHA alongside the mandate of the Representative of the Secretary-General on the human rights of internally displaced persons has advanced the Organization's institutional response to mass exoduses and internal displacement. With sustained attention to the capacity gaps and the measures needed to implement the Secretary-General's proposals for humanitarian reform, the United Nations is striving to avoid the creation of situations of mass exodus and, where this is not possible, to respond to the violations of these persons' human rights swiftly and appropriately.**